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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

FREDRICK LEAVITT,

Defendant.

Case No.: 2:17-CR-00391-APG-VCF

**Stipulation To Vacate And Continue  
Sentencing Hearing And Proposed  
Order**

**(First Request)**

**Certification: This Pleading is Timely Filed**

The undersigned parties respectfully submit the following Stipulation and  
Proposed Order for the Court's consideration.

IT IS HEREBY STIPULATED AND AGREED, by and between the

undersigned parties, that the Rule 32 sentencing hearing presently set for **July 7, 2020** be vacated and continued to a date convenient to the Court, but no sooner than November 16, 2020.

The parties further stipulate that the requested continuance is warranted for the following reasons:

1. On March 18, 2020, the Court set this matter for a Rule 32 sentencing hearing at 11:00 a.m., on July 1, 2020. ECF No. 82. The hearing was subsequently moved to July 7, 2020. ECF No. 88.

2. After the Court originally set the hearing, and on March 30, 2020, the Chief Judge for the District of Nevada entered Temporary General Order 2020-05, regarding Authorization for Video and Teleconferencing Under the CARES Act And The Exigent Circumstances Created By COVID-19 And Related Coronavirus (hereinafter "General Order"). On June 25, 2020, the General Order was extended through September 28, 2020. The General Order addresses the material effect upon the functioning of the Court brought on by the current state of emergency arising from the COVID-19 and Coronavirus pandemic. The General Order finds, among other things, that for the duration of the General Order, in-person Rule 32 felony sentencing hearings cannot be conducted in the District of Nevada without seriously jeopardizing public health and safety. The General Order further provides that Rule 32 sentencing hearings may, with the consent of the defendant (upon advice of counsel), proceed by video or teleconference in individual cases, provided that the presiding Court specifically finds that to delay the matter further will cause serious harm to the interests



**UNITED STATES DISTRICT COURT  
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UNITED STATES OF AMERICA,

Plaintiff,

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FREDRICK LEAVITT,

Defendant.

No. 2:17-CR-00391-APG-VCF

**ORDER**

This matter coming on the parties' Stipulation to Continue Rule 32 Sentencing Hearing, the Court having considered the premises therein, and good cause showing, the Court accepts the Stipulation of the parties and finds as follows:

1. The parties agree to the continuance requested in the Stipulation;
2. Defendant is out of custody and does not object to the continuance;
3. The Court adopts and incorporates herein in full, District of Nevada, Temporary General Order 2020-05 of March 30, 2020, regarding Authorization for Video and Teleconferencing Under the CARES Act And The Exigent Circumstances Created By COVID-19 And Related Coronavirus (hereinafter "General Order"),

1 including the finding that in light of the current state of emergency brought on by the  
2 COV-19 pandemic, and during the time the General Order is in effect, the Court  
3 cannot conduct an in-person Rule 32 sentencing hearing without serious risk to the  
4 health and safety of the public and the parties involved in this matter;

5 4. The defendant desires an in-person Rule 32 sentencing hearing and no  
6 facts have been presented to the Court to show that further delay of the hearing will  
7 seriously harm the interests of justice in this case;

8 5. The General Order is in effect through September 28, 2020. Accordingly,  
9 pursuant to the Stipulation, the Court will continue and set the date for Rule 32  
10 sentencing hearing **no sooner than November 16, 2020.**

11 **IT IS THEREFORE ORDERED:**

12 1. The Rule 32 sentencing hearing set for **11:00 a.m., July 7, 2020**, is  
13 **VACATED** and **CONTINUED**;

14 2. The Rule 32 sentencing hearing in this matter will commence on  
15 **December 8, 2020 at 2:00 p.m.** in Las Vegas Courtroom 6C.  
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17  
18 **IT IS SO ORDERED** this 30th day of June, 2020:

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20   
21 ANDREW P. GORDON  
22 UNITED STATES DISTRICT JUDGE  
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